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Attorney Docket No.: 020699-000310US

PATENT

73

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

G. Scott Smith, et al.

Application No.: 09/898,319

Filed: July 2, 2001

For: STORAGE AND RETRIEVAL OF
ENCRYPTED CONTENT ON
STORAGE MEDIA

Art Unit: 2131

PETITION FOR FILING PATENT
APPLICATION UNDER 37 CFR § 1.47(a):
APPLICATION BY ASSIGNEE WHEN A
JOINT INVENTOR REFUSES TO SIGN
OR CANNOT BE FOUND

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

The above-referenced application is filed herewith with executed § 1.63 declarations of one of the two co-inventors. The remaining joint inventor, Jose Diaz, refuses to sign a required § 1.63 declaration, notwithstanding the fact that he is under a contractual obligation to do so at the request of the assignee of the signing inventors' interests, Sony, Inc. ("Sony").

Therefore, Sony hereby petitions that it be allowed to proceed with prosecution of this application without Jose Diaz's signature, as allowed under 37 CFR §1.47(a).

37 CFR §1.47(a) Petition

A petition submitted under 37 CFR §1.47(a) requires (a) proof of the pertinent facts which show that the non-signing inventor refuses to execute the application papers, (b) the fee required by §1.17(i), and (c) the last known address of the non-signing inventor. These requirements are satisfied as will be demonstrated below.

(a) Proof of Pertinent Facts

Attached hereto is an employment agreement showing that in consideration for further employment, Jose Diaz assigned inventions and agreed to execute documents to protect Sony's rights. Also, attached is the declaration of Fidel Nwamu dated December 21, 2001 attesting to the relevant facts.

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Sony submits that this evidence is sufficient to conclude that Mr. Diaz refuses to execute a § 1.63 declaration.

(b) Required Fee

Please charge the fee required by § 1.17(i) for this petition, \$130.00, as well as any additional required fees, if applicable, or credit any overpayment, to this firm's Deposit Account #20-1430. Two copies of this petition are enclosed.

(c) Last Known Address of the Non-signing Inventor

The last known address of the non-signing inventor, Mr. Diaz, is as follows:

5328 Beachgrove Court
San Jose, CA 95123

The requirements of 37 CFR 1.47(a) have been met by this petition and accompanying documents, and therefore this petition should be granted. If the Patent Office has any questions regarding this petition, the undersigned can be reached at (415) 576-0200.

Respectfully submitted,

Fidel D. Nwamu
Reg. No. 46,294

Date: Fidel Nwamu
12/21/01

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